



## Town Council Meeting Minutes

Thursday, April 17, 2014, at 7:00 PM, in the Matthew Thornton Room

Chairman Rothhaus called the meeting of the Town Council to order at 7:10 p.m. Present at the meeting were Vice Chairman Yakuboff, Councilor Boyd, Councilor Dwyer, Councilor Harrington, Councilor Koenig, Councilor Mahon, Town Manager Eileen Cabanel, and Finance Director Paul Micali.

### Pledge of Allegiance

Members of Troop 424 led in the Pledge of Allegiance.

### Announcements

Regular meetings of the Town Council will be conducted on Thursday May 8, 2014 and May 22, 2014 at 7:00 p.m. in the Matthew Thornton Room.

The 22<sup>nd</sup> Annual Easter Egg Hunt will take place this Saturday, April 19<sup>th</sup> from 10:00 a.m. - 12:00 p.m. at Wasserman Park. This event is run in conjunction with Merrimack Friends & Families, and typically has several hundred participants.

The Skateboard Park will be opening up for the season on Saturday April 26<sup>th</sup>. The schedule is linked to the Parks and Recreation portion of the Town website. Naticook Summer Day Camp opens in just 9 ½ weeks, and we are busy preparing Wasserman Park for the start of the summer. We are just about fully staffed for the summer. Registrations are open and on-going.

Merrimack Police will once again be participating in the "National Drug-Take-Back" day on Saturday, April 26<sup>th</sup> from 10:00 a.m. - 2:00 p.m. Please take advantage of the drop off box in the lobby and get rid of your unused medication, no questions asked.

The Household Hazardous Waste Collection will be held at the Nashua Public Works Garage, at 9 Stadium Drive, in Nashua on Saturday, April 19<sup>th</sup> from 8:00 a.m. to Noon. There is a \$10 fee per vehicle, which covers 10 gallons or 20 pounds of material. Additional information is available on the front page link of the Merrimack Town website or by calling the Merrimack Transfer Station at 424-2604.

Comments from the Press and Public - None

### Selection of Chair and Vice Chair of Town Council

Pursuant to Article 4-3 of the Town Charter, the Town Council shall vote for a Town Council Chair and Vice Chair.

*Chairman Rothhaus called for nominations for the position of Chairman.*

**Councilor Dwyer nominated Councilor Yakuboff**

**Councilor Koenig nominated Councilor Harrington**

1 Councilor Dwyer commented Councilor Yakuboff has served the Council well in the position of Vice  
2 Chairman for the past year, and he believes would serve well as the facilitator of the meetings. He  
3 remarked he also believes Councilor Harrington could do well in that role.

4  
5 Councilor Koenig stated his belief Councilor Harrington brings a level of balance to the Council that all  
6 have appreciated. She is well thought out, meticulous in what she does and how she approaches  
7 subjects, and he believes she would bring a balance to the Council that would assist in negotiations with  
8 individuals and/or entities, and would help put a good face for the Council towards the Town of  
9 Merrimack.

10  
11 Councilor Harrington thanked Councilor Koenig for the nomination as well as his remarks. She spoke  
12 of the time commitment required for the position and the fact she will be retiring in December. After  
13 her retirement, she believes she would be in a position to devote the necessary time to such a position;  
14 however, until that time, her work commitments would prevent her from performing at a level she would  
15 desire. She respectfully declined the nomination.

16  
17 ***Vote on the election of Councilor Yakuboff to the position of Chairman of the Town Council***  
18 **5-1-1**

19 *Councilor Koenig voted in opposition*  
20 *Councilor Yakuboff Abstained*

21  
22 *Councilor Yakuboff declared Chairman of the Town Council.*

23  
24 *Chairman Yakuboff called for nominations for the position of Vice Chairman.*

25  
26 **Councilor Rothhaus nominated Councilor Harrington**

27  
28 **Councilor Harrington nominated Councilor Dwyer**

29  
30 Councilor Dwyer stated his confidence in Councilor Harrington's abilities, and suggested she consider  
31 the position if she believes time will allow her the opportunity. Councilor Harrington accepted the  
32 nomination.

33  
34 Councilor Rothhaus stated his agreement with earlier comments made regarding Councilor Harrington's  
35 efforts to maintain a high level of preparedness. He believes she would be of great assistance to the  
36 Chairman.

37  
38 ***Vote on the election of Councilor Harrington to the position of Vice Chairman of the Town Council***  
39 **6-0-1**

40 *Councilor Harrington Abstained*

41  
42 *Chairman Yakuboff declared Councilor Harrington Vice-Chairman of the Town Council.*

43  
44 **Recognitions, Resignations and Retirements**

45  
46 **1. Recognition of the Retirement of Scott A. Simpson**

47 *Submitted by Human Resources Coordinator Sharon Marunicz*

48 The Town Council will present a recognition plaque to Fire Captain Scott A. Simpson in recognition  
49 of his retirement from the Town of Merrimack Fire and Rescue Department effective April 30, 2014.

1 He has been employed full-time by the Town of Merrimack Fire Department since November 30,  
2 1987.

3  
4 Scott Simpson was hired by the Town of Merrimack as a Firefighter/EMT on November 30, 1987. Prior  
5 to that, he served in the U.S. Air Force from October 1983 to August 1997 as a Fire Protection Specialist  
6 and Crew Leader. In May of 1993 he acquired his Associates Degree in Fire Science. He was promoted  
7 to Lieutenant on August 20, 1995, and Captain on August 12, 2001. In 2002, Captain Simpson spent  
8 over a year researching thermal imaging technology for the department. His hard work resulted in the  
9 department purchasing their first two thermal imaging cameras. He holds an Associates Degree in Fire  
10 Science, is a company Officer, and also a HAZMAT Technician.

11  
12 Performance evaluations throughout his career included words such as professional, prompt,  
13 dependable, self-motivated, and safety conscience. Numerous on-spot performance appraisals  
14 throughout his career commended him on his leadership on emergency scenes. A quote from one of his  
15 spot performance appraisals: "Lt. Simpson always puts the wellbeing of his crew first and is willing to  
16 go the extra mile to assist the residents of Merrimack."

17  
18 Captain Simpson also holds an Associates Degree in Business. With that, he has his own home  
19 inspector business. Upon hearing of his retirement, comments were heard around the station such as  
20 hard shoes to fill and that he has so many slides in his slide tray, meaning that he could pull on his  
21 experience and knowledge in the field for almost any incident he came upon.

22  
23 Captain Simpson was thanked for his service, compassion, and professionalism.

24  
25 Captain Simpson thanked the Council and department for the recognition. He remarked the two best  
26 days in a firefighter's life are probably the first and last. He added "I'm going to call it a good day."

## 27 28 **Appointments**

### 29 30 **1. Annual Review with the Parks and Recreation Committee**

31 *Submitted by Parks and Recreation Committee Chair Chris Christensen*

32 Per Town of Merrimack Charter Section 6-6, at least annually, there should be a review with  
33 the Parks and Recreation Committee. This agenda item is to highlight the committee's significant  
34 actions, current projects, anticipated actions, and to raise any concerns the Council should know or  
35 could act on.

36  
37 Mr. Chris Christensen, Chairman, Parks and Recreation Committee, remarked there is a lot of crossover  
38 between the Parks & Recreation Committee and the Parks and Recreation Department. This particular  
39 year has been a year of transition. The Committee Chairman resigned and the Director of Parks &  
40 Recreation retired. There was a six-month period without a new Director in place.

41  
42 During that time Kelly Valluzzi, Department Secretary, kept everything current and running including  
43 duties with the summer camp, the July 4<sup>th</sup> parade, the concert series, which included two joint events  
44 with the library, the Halloween party, the Christmas parade, and getting a start on the Winter Carnival.  
45 In addition, she supported the Committee; tracked and distributed minutes and agendas and arranged for  
46 them to be posted to the website. She participated in site walks, reviews, and assembled the final report.  
47 She was recognized and honored for her excellence in the workplace last week.

1 Those activities spoken of are managed by the Parks & Recreation Department. The planning process is  
2 conducted by the Parks and Recreation Committee. Committee members also participate in the events  
3 themselves.

4  
5 Mr. Christensen commented it is great to have Matthew Casparius, Director of Parks and Recreation, on  
6 board. He is one of only a few in New England who has the Certified Parks and Recreation Executive  
7 designation. He brings to the Town a different skillset from what we have had in the past.

8  
9 Each year members of the Committee conduct evaluations of fields and facilities, e.g., site walks,  
10 reporting, etc. In past years, the report was compiled by a committee member and turned over to the  
11 Director. This year, due to a resignation, the process was different. After the report was compiled, it  
12 was condensed into a two-page To-Do list, which was then provided to the Director, upon his arrival, as  
13 well as to Adam Jacobs, Operations Manager, Public Works Department. Mr. Jacobs indicated it was an  
14 asset to have in terms of planning for the budget process and for scheduling. The Committee will have  
15 the opportunity to monitor progress through periodic updates from the Director.

16  
17 In the coming months discussions will re-start regarding the expansion of summer activities at  
18 Wasserman Park with three goals in mind; increase benefits to citizens, gain some level of staffing  
19 presence at Wasserman Park on weekends, and generate at least a neutral revenue situation. Being  
20 considered are activities such as disk golf, canoe and kayak rentals, etc.

21  
22 One of the Committee's current activities is a review of Bylaws. They will be back before the Council  
23 in May or early June as the Bylaws call for approval by the Council in the month of June.

24  
25 Mr. Christensen remarked Councilor Dwyer, has been very regular in his attendance as a member of the  
26 Committee and very helpful in keeping the Committee focused and providing information on issues  
27 before the Council. His participation is greatly appreciated.

28  
29 Councilor Boyd questioned whether disc golf could be undertaken at Wasserman Park, e.g., sufficient  
30 room, etc. He believes it to be a great idea. Mr. Casparius responded it is something that has been  
31 discussed, and is a possibility. Mr. Casparius remarked there are other facilities in Town that have been  
32 considered as well; however, the discussion process has only just begun. Councilor Boyd spoke of his  
33 pleasure with the brochure created.

34  
35 Councilor Boyd questioned whether preliminary discussions could begin regarding the dog park at  
36 Wasserman Park. Mr. Christensen stated his belief the Committee is working in that direction. He and  
37 Mr. Casparius have met frequently on many issues including the dog park. Councilor Boyd remarked  
38 some in the community have expressed concern there was a good deal of momentum, which came to a  
39 screeching halt. There is the need to let the community know there is focus on trying to provide that.  
40 Mr. Christensen stated there are independent plans for almost every facility in Town, but we don't have  
41 a good plan for where new or unexpected things might go.

## 42 43 **Public Hearing**

### 44 45 **1. Public Hearing – Renewal of Discretionary Preservation Easement**

46 *Submitted by Town Assessor Lauren Martin*

1 The Town Council will hold a public hearing to consider the approval of the renewal of a  
2 discretionary preservation easement for a historic barn located at 19 Seaverns Bridge Road, in  
3 accordance with  
4 RSA 79-D:5.

5  
6 ***Chairman Yakuboff declared the Public Hearing open at 7:42 p.m.***

7  
8  
9 Lauren Martin, Town Assessor, stated the request to be for a renewal of a discretionary preservation  
10 easement received from Kelly & James Eden for their barn located at 19 Seaverns Bridge Road. At the  
11 time of the original application (2004), the Board of Selectmen accepted the application and  
12 recommended a 75% reduction in the assessment, which was the highest percentage available. State  
13 Statute indicates the barn can be assessed in a range of 25% - 75% for the preservation of the historic  
14 barn. An agreement was entered for the ten-year term as outlined in Statute. They have now re-applied  
15 as the agreement expires this year. The RSA was put into place in 2002. This barn was the first  
16 application approved in Merrimack. It is a valuable asset to the Town.

17  
18 The barn continues to meet all of the qualifications, and it is her recommendation that the Council renew  
19 the application. By Statute, a new agreement would be for a minimum of ten years. The Council could  
20 opt to put in an automatic renewal if they so desired.

21  
22 *Chairman Yakuboff opened the floor for public comment. No one from the public addressed the*  
23 *Council.*

24  
25 ***Chairman Yakuboff declared the Public Hearing closed at 7:44 p.m.***

26  
27 Councilor Boyd noted, based on the previous value of \$21,200, a reduced assessment of 75% was  
28 \$5,300. With the revaluation of the barn at \$32,000, a 75% reduction would result in an \$8,000  
29 assessment; meaning the owners would be paying an additional \$2,700 as a consequence of the  
30 revaluation. Ms. Martin stated that to be accurate.

31  
32 Councilor Dwyer stated his surprise at the valuation given the size of the structure. Ms. Martin noted  
33 the assessment is based on age, etc., and remarked there is no way you could reconstruct a barn of that  
34 quality and condition today for anywhere near that. That is the assessed value or the value that would be  
35 contributed to the barn in its current state if someone were looking to purchase the property.

36  
37 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to approve the renewal of a**  
38 **discretionary preservation easement for a historic barn located at 19 Seaverns Bridge Road, in**  
39 **accordance with RSA 79-D:5 by reducing the assessed value by 75% resulting in a new assessed**  
40 **value of \$8,000. MOTION CARRIED 6-1-0**

41 *Councilor Mahon voted in Opposition*

42  
43 *Ms. Martin noted the Agreement would need to be presented to the Town Council.*

44  
45 **2. Public Hearing – 2012 State Homeland Security Grant Award Reimbursement for the**  
46 **Merrimack Police Department**

47 *Submitted by Lieutenant Paul Trepaney*

48 The Town Council will hold a public hearing to consider the acceptance and expenditure of the  
49 reimbursement received from the State's Grants Management Unit in the amount of \$17,871 for the

1 Merrimack Police Department for the purchase and installation of a voter system (radio components)  
2 in the Police Department office of the Merrimack Premium Outlets addressing deficiencies in the  
3 communications system in the southeast quadrant of Town, pursuant to Charter Article 8-15 and  
4 RSA 31:95-b.

5  
6 *Chairman Yakuboff declared the Public Hearing open at 7:49 p.m.*

7  
8 Lieutenant Paul Trepaney commented he was before the Council in January of 2013 seeking to apply for  
9 a Homeland Security Grant to add equipment to the existing voting system to enhance communications  
10 in the Southeast quadrant of the Town. At that time, he presented the application process. The Council  
11 approved pursuit of the grant and for the Town Manager to sign any necessary paperwork. He was  
12 successful in receiving the grant.

13  
14 *Chairman Yakuboff opened the floor for public comment. No one from the public addressed the*  
15 *Council.*

16  
17 *Chairman Yakuboff declared the Public Hearing closed at 7:50 p.m.*

18  
19 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend**  
20 **the reimbursement received from the State's Grants Management Unit in the amount of**  
21 **Seventeen Thousand Eight Hundred Seventy One Dollars (\$17,871) for the Merrimack Police**  
22 **Department for the purchase and installation of a voter system (radio components) in the Police**  
23 **Department office of the Merrimack Premium Outlets addressing deficiencies in the**  
24 **communications system in the southeast quadrant of Town, pursuant to Charter Article 8-15 and**  
25 **RSA 31:95-b, and furthermore that the Town Manager and/or her proxy be authorized to execute**  
26 **any and all documents necessary to effectuate said transaction**

27  
28 **ON THE QUESTION**

29  
30 Councilor Koenig noted the information provided the Council indicates the prior submission was for  
31 \$17,871 and indicates additional expenditures were made totaling \$18,261. Lt. Trepaney explained  
32 \$390 is pending; line installation fee and a propagation study that had to be done by the radio company.  
33 The receipts had to be submitted separately and reimbursement is pending.

34  
35 **AMENDED MOTION by Councilor Boyd and seconded by Councilor Rothhaus to accept and**  
36 **expend reimbursement from the State's Grants Management Unit in the amount of Eighteen**  
37 **Thousand Two Hundred Sixty One Dollars (\$18,261) for the Merrimack Police Department for**  
38 **the purchase and installation of a voter system (radio components) in the Police Department office**  
39 **of the Merrimack Premium Outlets addressing deficiencies in the communications system in the**  
40 **southeast quadrant of Town, pursuant to Charter Article 8-15 and RSA 31:95-b, and furthermore**  
41 **that the Town Manager and/or her proxy be authorized to execute any and all documents**  
42 **necessary to effectuate said transaction MOTION CARRIED 7-0-0**

43  
44 **3. Public Hearing – Chapter 150, Town of Merrimack NH Plating Site Groundwater and Soil**  
45 **Management Ordinance**

46 *Submitted by Community Development Tim Thompson*

47 The Town Council will hold a public hearing for the acceptance of Chapter 150, Town of Merrimack  
48 NH Plating Site Groundwater and Soil Management Ordinance of the Merrimack Town Code,  
49 pursuant to Charter Article V, Section 5-3.

1  
2 *Chairman Yakuboff declared the Public Hearing open at 7:54 p.m.*

3  
4 Tim Thompson, Director, Community Development Division stated the Ordinance was put together by  
5 both the US EPA and Town counsel. In consultation with Attorney Upton following the introduction of  
6 the Ordinance, a recommendation was made for a slight modification to the language. In the second  
7 paragraph under II – Zone Boundaries; delete the second sentence, which reads: “The extent of the  
8 boundary of the NHPS-GSMZ shall be reviewed no less frequently than every five years and possibly  
9 with greater frequency depending on the results of testing.” The language would be removed as would  
10 the Town’s responsibility to perform the review. The Ordinance adds a level of protection that the EPA  
11 is seeking the Town to look at adding relative to these groundwater contaminated sites.

12  
13 *Chairman Yakuboff opened the floor for public comment.*

14  
15 Tim Tenhave, 72 Amherst Road

16  
17 Noted RSA 31:39 provides the ability assess a penalty. A good many of the Town’s ordinances will  
18 specify a \$100 or \$1,000 penalty. Mr. Tenhave questioned why that language was not included as a  
19 means of discouraging violation of the Ordinance.

20  
21 *Chairman Yakuboff declared the Public Hearing closed at 7:56 p.m.*

22  
23 Councilor Rothhaus stated his belief it is the US EPA that would be able to take care of any of the issues  
24 addressed through the Ordinance. If selling that property those concerns identified in the Ordinance  
25 would have to be addressed. He does not believe it necessary to adopt the Ordinance.

26  
27 Councilor Koenig remarked, with the amendment brought up by Director Thompson, he does not see  
28 any liability on the part of the Town. In the spirit of being a good neighbor and working with the EPA  
29 as much as we can, and the “protection” that it might provide legally, he does not see harm in accepting  
30 it.

31  
32 Chairman Yakuboff stated his opposition to the Ordinance. He is of the belief any time a government  
33 official comes hat in hand and wants something signed by the Town it is the result of planning ahead of  
34 time, and he has not yet figured out what the end game is. Since the Town does not own the property  
35 and it is the responsibility of the EPA, he has no reason to support the Ordinance.

36  
37 **MOTION made by Councilor Koenig and seconded by Councilor Mahon to move the Ordinance,**  
38 **as amended, to a third reading MOTION FAILED 3-4-0**

39 *Councilors Yakuboff, Harrington, Rothhaus, and Boyd voted in opposition.*

40  
41 **Legislative Updates from State Representatives**

42  
43 Senator Peter Bragdon informed the Council on Tuesday the Joint House Committees on Ways &  
44 Means and Public Works voted, for the first time in the history of the House, to recommend anything  
45 that had any kind of toll relief for Merrimack. This is a two-year strategic plan. The goal of SB3, which  
46 died earlier this year, was not to get SB3 to pass, but at least to keep a ball in play for the entire two-year  
47 session. In the Senate they added what had been SB3 onto the gas tax Bill and sent it over to the House.

1 It is certainly a great opportunity for some toll relief for Merrimack. If that bill passes on the House  
2 floor next week, it goes directly to the Governor; there is no Committee of Conference, there is no horse  
3 trading, there is toll relief for Merrimack.

4  
5 He stated there will be attempts next week, on the floor of the House, to remove the toll relief from that  
6 bill. Although some Representatives from Merrimack may not support the final bill because some don't  
7 like the idea of the gas tax, the key votes will be before that, and those will be votes to take out the toll  
8 relief portions of that bill. He stated it to be very important to urge the State Representatives, if this is  
9 what you believe, to keep the bill intact. Whether they vote for it when all is said and done or not is far  
10 less important than voting to keep it intact.

11  
12 If the bill changes in the House it will go back to the Senate, there will be horse trading, Merrimack will  
13 get nothing, and chances are there will be a gas tax and no toll relief. Senator Bragdon stated there to be  
14 rumors going around the State House now that the Town of Merrimack and particularly the Town  
15 Council or at least members of the Town Council are not in favor of this particular portion of the bill. It  
16 may be that people have had conversations with individuals who don't like the gas tax and they assume  
17 that means they don't like the toll relief part, but that is why it is very important for the Merrimack  
18 delegation, if at all possible, to make that stand and say toll relief is important to us. Otherwise, if it is  
19 sensed that Merrimack does not want toll relief then the gas tax will pass without the toll relief.

20  
21 Senator Bragdon stated there to be some concern on his part regarding voting for the gas tax itself,  
22 although that was part of the deal to get the toll relief on there on the Senate side. A companion bill was  
23 passed at the same time, which stopped the diverting of monies from the Highway Fund to other  
24 departments of the State. Currently about 20% of the Highway Fund dollars each year go mostly to the  
25 Department of Safety for the patrolling of the highways. The companion bill put a stop to that and  
26 instituted a study of the entire funding system.

27  
28 Councilor Rothhaus questioned whether he has heard from the Legislation Delegation why they would  
29 vote for an amendment to delete from the legislation the Exit 12 removal. Senator Bragdon stated he  
30 has not, and remarked he does not think, until today, people realized that is what is going to happen on  
31 the floor next week. He believes there has been some concern by members of the Delegation about the  
32 gas tax. He believes people are misconstruing that concern to be a concern about the toll relief or a lack  
33 of interest in the toll relief. He added he believes people are starting to realize that the effort is going to  
34 be to undermine the whole thing by stripping it out on the House floor next week. He has spoken with  
35 three Merrimack Representatives, and believes they all realize that is a problem, and they can vote  
36 against taking the tolls out whether or not they vote for or against the bill later on.

37 Councilor Boyd remarked the legislation, as presented, does not provide language for the removal of toll  
38 booths. He questioned what would stop the NH DOT or anyone else from putting up cinder blocks at  
39 exit 12 and preventing people from getting off and on at that exit because the toll booths are still there  
40 and they deem it a public safety hazard?

41  
42 Senator Bragdon responded he is not sure what there is legally to stop them from doing that other than  
43 that would seem to be a very bad move by a Commissioner to basically thwart what the Legislature  
44 wants. He would see it as unrealistic that something like that would happen. The language says they  
45 will stop collecting the toll sixty (60) days after passage. The Commissioner did provide an estimate  
46 this week to the House Committee that the cost to dismantle the toll booths themselves, should that be  
47 the desire, is about \$300,000, which was down from their estimate last year of \$1.6 million. The plan  
48 last year was to dig up all of the tar, repave everything, etc., and make a spectacular parkway from the  
49 top of the bridge to the roadway. The estimate now is just to take it down and not repave the whole

1 thing, to which his response was he bets he could find some contractors in Merrimack that would  
2 volunteer to take those things down.

3  
4 Senator Bragdon reiterated he believes the scenario questioned by Councilor Boyd to be very unrealistic,  
5 and would be a very unwise move for a Commissioner who depends on the good will of the Legislature.  
6 Councilor Boyd questioned again if there were any concerns there is no language in the legislation, as  
7 presented, regarding removal. He questioned whether that would be addressed administratively or with  
8 another bill. Senator Bragdon responded he is unsure if that would have to be addressed separately in a  
9 bill or whether they have the authority to take it down themselves. He commented he knew what his  
10 limits were that he could put on for this one, and it was the Bill that passed before, which didn't consider  
11 any actual take down of the booths.

12  
13 Vice Chairman Harrington noted she had commented when the legislation was proposed that she felt the  
14 Merrimack Representatives were placed in a very difficult situation. They don't want the 4% increase in  
15 gas tax and yet here is the exit 12. She remarked she had not heard previously of a move to take out the  
16 exit 12. She cannot imagine one Representative from this Town concurring with that regardless of what  
17 they think about the bill as a whole. It is her opinion, what he may have heard is inaccurate. Senator  
18 Bragdon remarked his sense is some are misconstruing what people have said about their concern with  
19 the bill.

20  
21 Senator Bragdon stated whether an individual Representative from Merrimack votes for or against the  
22 final Bill, there will be enough votes to pass the final bill. He reiterated it is critical that it stay intact.

23  
24 Councilor Mahon remarked he has not heard anything at any of the hearings that the DOT would do  
25 anything to block the exits. As the Senator has said it would be counter-productive. In the Ten-Year  
26 Highway Plan there is \$1.6 million to remove the toll booths. He questioned how the two bills would  
27 work. The Highway Bill has the acceptance by the Town of Continental Boulevard as a condition for  
28 removing exit 12.

29  
30 Senator Bragdon remarked there will likely be an attempt next week not only to take out the toll relief  
31 for Merrimack, but to put onto the bill a requirement that you accept Continental Boulevard as is.  
32 Again, the key to the bill passing is that it stay intact as is. There is a lot of support on the leadership  
33 side, for this to stay together because they fear it dying later on.

34  
35 The Ten-Year Highway Plan Bill is a separate bill. There will definitely be horse trading going on with  
36 that bill. He stated his belief the \$1.6 million for the removal as well as everything else it involves, e.g.,  
37 Merrimack tolls, is the contingent unfunded plan for future years, which really means okay we will do  
38 this once we move the tolls south and then charge everybody even more money, and take that money  
39 and build some more ramps into Manchester. He commented he believes that will have a little more  
40 difficulty in its survival, which is why again it is important for the gas tax bill to be able to pass by itself.

41  
42 Councilor Mahon stated the discussion at the last meeting about this was not about opposition to the  
43 removal to toll booths it was the high level of skepticism over the actions that might occur as part of the  
44 horse trading that goes on. He stated his belief he speaks for himself and his colleagues when he states  
45 unequivocally we want them gone. If someone will try to hang their hat on the fact there may be some  
46 equivocation on the part of the Council that is totally inaccurate.

47  
48 He spoke of what was alluded to; those tolls would be increased so that the main toll plaza in Bedford  
49 could be moved down to exit 10 so that exit 11 could be removed, and then hand us Continental

1 Boulevard before exit 12 would be removed. He remarked it will be interesting to see how some  
2 members of the House who have raised these issues both last Tuesday and years prior, want to handle  
3 those particular issues.

4 Senator Bragdon stated it to be helpful for him to be able to go back to the State House and say I met  
5 with the Merrimack Town Council and they are 100% behind toll relief. The concern in Merrimack is  
6 that when all is said and done they will be screwed again as they were before.  
7

8 Councilor Mahon commented that will happen because of what is likely to happen with the relocation of  
9 the main toll plaza in Bedford, and as has been alluded to, two new exits go into Manchester at no cost  
10 to the City for exactly the same reason Merrimack asked for exit 10. Senator Bragdon remarked there is  
11 still opportunity to put the brakes on that especially once next week is over.  
12

13 Councilor Rothhaus commented he received a call last week from the Chairman of the Milford Board of  
14 Selectmen, Gary Daniels, who is a Legislator as well. Councilor Rothhaus stated he would reach out to  
15 him and ask him to do what Senator Bragdon has suggested. Senator Bragdon stated he would as well.  
16

17 Councilor Koenig echoed comments made in favor of toll relief in any way, shape, or form. He stated  
18 he has also come to believe New Hampshire is a Live Free or Die state; you pay for what you have and  
19 you don't for things you don't have. An increase in the gas tax over this number of years is definitely  
20 debatable and makes sense in a lot of different arguments. He is not adamantly opposed to that. He will  
21 not take the stand of no increases in taxes. His belief is we have a responsibility to pay for our roads and  
22 highways and the gas tax has predominantly been the way to do that. There has not been an increase in  
23 that for many years, and yet the highways are still being used. But we have had increases in tolls, and  
24 the turnpike money is being used to expand and improve roads that are not being tolled, even though  
25 they are part of the turnpike system.  
26

27 In an equity and fairness perspective, if we can get rid of some tolls on Merrimack and maybe reduce or  
28 ultimately eliminate the entire toll system, he does not have a problem with paying the gas tax or some  
29 other equitable funding mechanism. He encouraged people to think very carefully about how we are  
30 going to fund our highways, bridges, and roads in New Hampshire, and if we are going to continue to do  
31 it at 1991 rates, it is going to get more and more difficult especially as the gas tax revenue seems to drop  
32 off as gas mileages goes up, etc.  
33

34 Councilor Dwyer echoed Councilor Koenig's remarked. He stated he has the same feelings with regard  
35 to the gas tax. He suggested many of those who are opposed would probably gladly vote for the bill had  
36 they known some language was in there to tighten up the turnpike account. He believes it unfortunate  
37 that part could not happen. He expressed gratitude for the work Senator Bragdon has done.  
38

39 He remarked a few months back you asked would one be enough, and the answer is yes. If that is all we  
40 could get is one out of three it is a victory for all of us.  
41

42 Councilor Dwyer remarked it seems those in Concord are discussing Continental Boulevard in a vacuum  
43 and not including Merrimack in the discussion. If the moving of the main line to exit 10 automatically  
44 results in the removal of exit 11 perhaps Merrimack would take Continental Boulevard. Senator  
45 Bragdon remarked exit 12 is one thing this year, and next year there will be more discussions, and  
46 perhaps they will throw Continental Boulevard. He remarked what concerns him, as a non-Merrimack  
47 resident is the "as is" language.  
48

#### 49 **Town Manager's Report**

1  
2 Ms. Kelly Valluzzi, and employee of the Parks & Recreation Department was recognized by the  
3 Merrimack Rotary Club with their “Excellence in the Workplace Award”. Town Manager Cabanel  
4 remarked there was a long period of time when the department was without a Director, and Ms. Valluzzi  
5 ensured all programs, etc. continued to run without incident.  
6

7 The former Dining Hall at Wasserman Park was demolished a few weeks ago along with cabins 7 & 8.  
8 These sites have now been fully cleaned up and the area looks much better.  
9

10 The Parks & Recreation Department has been approached recently by a number of groups all looking to  
11 participate in community service projects within the Town. Matt Casparius and Adam Jacobs have  
12 assembled a list of projects in all parks in the community for volunteers to complete. Among the groups  
13 committed to date include the Merrimack Girl Scouts and Merrimack High School Senior Class.  
14

15 The sidewalk at the northeast corner of the Chamberlain Bridge has been temporarily closed due to a  
16 hole in the sidewalk. The Highway Division will be installing traffic plates over 50’ of the sidewalk so  
17 that it can be re-opened to the public early next week. Permanent repairs to the sidewalk are scheduled  
18 in the Capital Improvements Plan for FY16. Design for the project will begin this summer with the  
19 assistance of engineering interns.  
20

21 Street sweeping has begun and will continue into early June. Please call the Highway Division at 423-  
22 8551 if you would like more details about when the sweeper will be passing through your neighborhood.  
23

24 All athletic fields have been opened for the season.  
25

26 Councilor Mahon commented this is the second consecutive year a Town employee has been recognized  
27 by the Rotary. Last year Becky Thompson was recognized. He remarked it is a very nice singular  
28 accomplishment on behalf of the Town employees.  
29

30 **Consent Agenda** - None  
31

32 **Old Business** - None  
33

34 **New Business**  
35

36 *There being no objection, the Council went out of the regular order of business to take up Item #5.*  
37

### 38 **5. Fraser Square Veterans Memorial Donations**

39 *Submitted by Brian Snell*

40 The Town Council to consider the acceptance of donations totaling \$3,400 to be used towards the  
41 Fraser Square Veterans Memorial, pursuant to Charter Article 8-15 and RSA 31:95-b.  
42

43 Mr. Brian Snell informed the Council four of the bronze medallions have been sold. The Merrimack  
44 Flower Shop has picked up the U.S. Merchant Marine and the Rotary has picked up the Navy. Those  
45 funds are forthcoming. That will only leave the Coast Guard, Air Force, and Army remaining. Some of  
46 the bricks have gone out. Out of the \$3,400 in donations for which acceptance is sought, the desire  
47 would be to draw from that \$1,670 for the challenge coins. The coins have on the front the Fallen  
48 Soldier Memorial and the American Flag and Frasier Square, Merrimack, NH on the back. With coins  
49 selling at \$10/each, \$3,300 would be generated towards the Fallen Soldier Memorial (\$4,500 cost).

1  
2 **MOTION** made by Councilor Mahon and seconded by Councilor Rothhaus to authorize the  
3 acceptance of donations totaling Three Thousand Four Hundred Dollars (\$3,400) to be used  
4 towards the Fraser Square Veterans Memorial and the expenditure of Sixteen Hundred and  
5 Seventy Dollars (\$1,670) for the Challenge coins, pursuant to Charter Article 8-15 and RSA 31:95-  
6 b

7  
8 **ON THE QUESTION**

9  
10 Councilor Rothhaus requested clarification the Council has to authorize expenditure, and was informed  
11 it is necessary for the Council to approve expenditures because the funds are being funneled through the  
12 Town. **MOTION CARRIED 7-0-0**

13  
14 *The Council returned to the regular order of business.*

15  
16 **1. Donation of Park Bench for Bise Field**

17 *Submitted by Terry Benhardt*

18 The Town Council to consider the acceptance of the donation of a park bench valued at  
19 approximately \$812, to be placed at Bise Field in memory of Dave Smith of the Merrimack Youth  
20 Association, pursuant to Charter Article 8-15 and RSA 31:95-b.

21  
22 Mr. Terry Benhardt stated Dave Smith was a volunteer, parent, coach, teacher, and advocate for the  
23 youth of Merrimack for over 25 years within the MYA. He passed away last spring. His family would  
24 like to have a bench placed at the Bise Field House in his memory. This is supported not only by the  
25 MYA but also by the Public Works Department and the Parks and Recreation Department who have  
26 both stated their support of bringing the request before the Council for approval.

27  
28 The bench would permanently sit at the top of the hill as you approach Bise Field (on the right), looking  
29 over right field. There is a tree already in place in that location and a memorial to a founding father of  
30 the MYA, Gil Thorne.

31 **MOTION** made by Councilor Dwyer and seconded by Councilor Rothhaus to accept the donation  
32 of a park bench valued at approximately Eight Hundred and Twelve Dollars (\$812.00), to be  
33 placed at Bise Field in memory of Dave Smith of the Merrimack Youth Association, pursuant to  
34 Charter Article 8-15 and RSA 31:95-b

35  
36 **ON THE QUESTION**

37  
38 Councilor Boyd questioned whether there are currently memorial benches at Bise Field. It was the  
39 general consensus this would be the first. Councilor Koenig questioned the cost of installation. Mr.  
40 Benhardt stated the installation to be simply the placement of the bench. The Public Works Department  
41 will take care of that. There is no cost associated with the installation. Councilor Boyd questioned  
42 whether there would be something placed in the ground to allow the bench to be bolted in place, and was  
43 informed there would be.

44 **MOTION CARRIED 7-0-0**

45  
46 **2. Eagle Scout Project Presentation**

47 *Submitted by Life Scout Hayden Faust*

48 Life Scout Hayden Faust will present the Town Council with his proposed Eagle Scout project  
49 which involves replacing a World War II Veterans Memorial to be located at Veteran's Park.

1  
2 Life Scout Hayden Faust commented when the idea of a WWII Memorial came up in his troop he was  
3 ecstatic and jumped at the opportunity to utilize that as his Eagle Scout project. The original memorial  
4 that was previously in Merrimack was constructed by Lester Langley in 1942 when he was a junior in  
5 high school and WWII was ongoing. He built it with the assistance of some girls from his high school.  
6 They hand painted all of the names of WWI Veterans onto the sign. The sign stood near the library.  
7 When the parking lot was constructed during the time of the expansion of the D.W. Highway, the  
8 memorial was removed. It was intended to be erected in a new location; however, was lost.

9  
10 The original memorial was approximately 8' tall and 10' wide and had three main panels each of which  
11 held the names of Merrimack Veterans that were serving in WWII. The memorial was labeled "Honor  
12 Roll" and underneath said Town of Merrimack. It included two painted gold eagles above both of the  
13 panels on the sides. They were two-dimensional and had been carved out by Mr. Langley. The sign  
14 had four wooden posts and three panels (side panels approx. 6.5' tall and the center about 8' tall).

15  
16 Being proposed is a memorial that would include all 207 names of those who served in WWII and lived  
17 in Merrimack at the time. A list was received from the Merrimack Historical Society. The memorial  
18 will be 13' long and about 10' high. The panels will be outdoor grade sign plywood. The names will  
19 each be engraved on their own individual placard (outdoor graded; 2' long and 2" high), glued, and  
20 screwed into place. Posts will be granite and will each be 6 x 6 and cemented into the ground well  
21 underneath the frost line. Sonotubes and concrete will be used to secure them.

22  
23 The proposed location is Veterans Memorial Park. The desire is to place it in a small plaza located right  
24 above the parking lot.

25  
26 The total cost is anticipated at approximately \$2,700. Fundraising efforts, e.g., bake sales, car washes,  
27 etc., are expected to require 8 days of activities. Donations will also be sought from local businesses.  
28 With donations from local businesses, the number of fundraising days can be reduced bringing closer the  
29 date of installation. Construction is anticipated to take a period of three months to complete and will  
30 take place off-site. Installation is anticipated prior to Veterans' Day.

31  
32 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to approve the Eagle**  
33 **Scout project presented by Life Scout Hayden Faust, which involves the construction of a World**  
34 **War II Veterans Memorial to be located at Veterans Memorial Park and that the Town Manager**  
35 **be designated as the beneficiary**

36  
37 ON THE QUESTION

38  
39 Councilor Boyd commented when Life Scouts come before the Council their presentations are complete  
40 and thorough leaving little room for discussion. He commended Scout Faust for his efforts and the  
41 project. This project will honor America's greatest generation, and there is no more fitting tribute than  
42 to recognize the people from this community who served in WWII.

43 He questioned whether there would be reference to Lester Langley who created the original memorial.  
44 He also questioned whether the gold star next to a name indicates a military service death. Councilor  
45 Mahon stated that is usually what the star indicates. Councilor Boyd suggested that be included in the  
46 proposal, where appropriate, to reflect those who made the ultimate sacrifice in WWII. Life Scout Faust  
47 stated his belief the list provided him by the Historical includes the stars, which he will include on the  
48 placards. He noted Lester Langley went on to serve in WWII after he constructed the sign, and will be

1 included in the memorial. He stated he will ensure he receives some sort of tribute. He noted he has  
2 had the opportunity to meet with him. He provided a letter of recommendation for the project.

3  
4 Councilor Rothhaus spoke of the quality of the presentation and stated his appreciation for the project.  
5 Vice Chairman Harrington spoke of the level of organization with which the proposal was provided and  
6 the historical perspective included.

7 **MOTION CARRIED 7-0-0**

8  
9 *There being no objection, the Council recessed at 9:00 p.m.*

10 *The Council reconvened at 9:05 p.m.*

11  
12 **3. Eagle Scout Project Presentation**

13 *Submitted by Life Scout Benjamin Parker*

14 Life Scout Benjamin Parker will present the Town Council with his proposed Eagle Scout project  
15 which entails constructing an observation deck overlooking a beaver pond in Grater Woods.

16  
17 Life Scout Benjamin Parker informed the Council of his proposal for an observation deck overlooking a  
18 beaver pond in Grater Woods. He provided the Council with the specifications of the project, which  
19 include a 10' x 10' deck constructed with pressure treated pine. The rail height from the floor is to code;  
20 36". Maximum floor height from the ground is roughly 36". The foundation will rest on six, 42" deep  
21 cement footers. The Town Inspector was contacted and has stated that to be in line with regulations  
22 relative to frost line. Hardware utilized will be galvanized nails, bolts, washers, nuts, and polymer  
23 coated screws.

24  
25 Life Scout Parker provided an aerial photograph of the proposed site, which overlooks a beaver pond off  
26 of Beebe Lane. The land traverses upward, and the area of high ground is ideal for overlooking the  
27 pond. A 3D design was provided for review. It was noted the footers are at different levels due to  
28 topography; ground slopes downward. Stationary benches will be constructed along the edges and  
29 attached to the deck.

30  
31 Estimated total cost is \$1,100. All labor is expected to be performed by volunteers. Fundraising efforts  
32 will consist of soliciting financial support from friends and family. Material donations will be sought  
33 from local businesses. If not sufficient, he will organize a pancake breakfast for May 24<sup>th</sup>, which will be  
34 advertised utilizing social media and word of mouth.

35  
36 **MOTION made by Councilor Boyd and seconded by Councilor Mahon that the Town Council**  
37 **enthusiastically endorse Life scout Benjamin Parker's proposed Eagle Scout project, which entails**  
38 **constructing an observation deck overlooking the beaver pond in Grater Woods, and furthermore**  
39 **should a signature be required for the beneficiary component of his Eagle Scout project that the**  
40 **Town Manager be tasked with that duty**

41  
42 **ON THE QUESTION**

43  
44 Councilor Boyd expressed gratitude for the presentation and the project. He remarked the deck will  
45 serve the community well for viewing of wildlife as well as being an area to stop and rest. He offered to  
46 provide assistance with the labor aspect of the project.

47  
48 Vice Chairman Harrington questioned whether the decking would be pressure treated, and was informed  
49 it would be. Councilor Koenig questioned how the project was received by the Conservation

1 Commission. Life Scout Parker stated the Commission was supportive of the project. There were a few  
2 issues ironed out such as how the benches would be put into the project. They also suggested some  
3 minor design alterations, e.g., ensuring the rail posts are carried all the way down the structure (to the  
4 cement footings) to provide additional stability. He informed the Council he has spoken with the  
5 carpenter he has been working with to ensure everything being proposed meets code. He was assured  
6 the design is more than capable of withstanding an individual's weight should users decide to sit along  
7 the edges.

8  
9 When asked if the deck will be level with the ground, Life Scout Parker responded one of the sides will  
10 be above ground level (8"). The footing will be at ground level.

11  
12 Councilor Rothhaus questioned whether the benches would traverse around the entire perimeter. Life  
13 Scout Parker responded benches are intended for the sides. He has not yet determined whether benches  
14 would be placed in the area closest to the pond.

15 **MOTION CARRIED 7-0-0**

16  
17  
18 **4. Donation for the Parks and Recreation Committee for Watson Park**

19 *Submitted by Jackie Flood and Town Councilor Tom Mahon*

20 The Town Council to consider re-purposing a donation of \$638.92 originally donated to the Watson  
21 Park fund to now be used by the Parks and Recreation Committee for the purchase of sugar maple  
22 trees for Watson Park, pursuant to Charter Article 8-15 and RSA 31:95-b.

23  
24 Ms. Jackie Flood informed the Council the donation was originally made by Tom Mahon and Donna  
25 Hastings during the first year of the fund. The donation was designated for a picnic table. As the picnic  
26 tables were built during the winter months by Public Works employees and no other style could be  
27 agreed upon, the funds were not expended. A few years back the gift was translated, in the committee's  
28 mind, to benches, which were also made by Town employees. Mr. Mahon and Ms. Hastings have  
29 expressed a desire for the gift to instead be designated for the purchase of sugar maple trees.

30  
31 There is intended to be a row of maple trees along the driveway and parking lot at some point in the  
32 future. Ms. Flood provided drawings of a planting plan created by Landscape Architect, Douglas Miller,  
33 which depicted the area where plantings are proposed. The Sienna Glen Maple identified in the plan is a  
34 relatively new variety of maple and mostly available in the Midwest and in small quantities. Ms. Flood  
35 stated her hope Sugar Maples would be deemed acceptable. The desire would be for a total of nine (9)  
36 to be purchased over time (if not affordable in a single purchase).

37  
38 Mr. Pete Gagnon, Willow Pond Nursery, has not been able to gather soil samples due to weather  
39 conditions. He has expressed concern salts may remain in the soil. Ms. Flood stated her belief the soils  
40 will be found to be much cleaner than believed. Once the soil samples are taken, Mr. Gagnon will be  
41 able to advise whether the Sugar Maples would be appropriate. Ms. Flood questioned whether Mr.  
42 Mahon was acceptable to an alternative tree. Councilor Mahon remarked the Sugar Maple would be  
43 ideal. If not appropriate, something along the lines of a hardwood would be fine. He commented some  
44 have suggested perhaps trees that produce small cherries as they attract birds. The desire was for a tree  
45 that is sturdy, has a nice appearance, and will fit in with the trees in the area, e.g., native species.

46  
47 Ms. Flood stated there to be monies remaining in the account, which resulted from fundraising efforts.  
48 There are yearly donations that typically total \$500 - \$1,000. At present the fund balance is \$2,400. She  
49 requested Council approval to begin to purchase some of the trees proposed for placement around the

1 picnic area (18 trees depicted in the plan). Having been reminded the park is responsible for the water  
2 bill (approx. \$100/year), the desire would be to leave monies in the fund sufficient to cover the cost of  
3 watering.

4  
5 When asked if that request could be added to the original request identified on the agenda, Director  
6 Micali stated the funds have already been accepted by the Council and approved for expenditure. What  
7 is being sought is the approval of the Council to plant the trees.

8  
9 **MOTION made by Councilor Rothhaus and seconded by Councilor Harrington to re-purpose a**  
10 **donation of Six Hundred Thirty Eight Dollars and Ninety Two Cents (\$638.92) originally donated**  
11 **to the Watson Park fund to now be used by the Parks and Recreation Committee for the purchase**  
12 **of sugar maple trees or another agreed upon native species for Watson Park, pursuant to Charter**  
13 **Article 8-15 and RSA 31:95-b**

14  
15 **ON THE QUESTION**

16  
17 Councilor Koenig remarked there are restrictions within the park relative to depth of digging. He  
18 questioned whether the area in question is included within that restriction. Ms. Flood stated the area is  
19 bound by the restriction. Councilor Koenig noted the restriction to be 2', and questioned whether these  
20 plantings could be placed in accordance with that restriction. Ms. Flood responded that could be done if  
21 not a very large tree. She noted it is the Highway personnel who perform the plantings. They are very  
22 familiar with the restrictions and abide by them.

23 **MOTION CARRIED 6-0-1**

24 *Councilor Mahon Abstained*

25  
26 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to authorize plantings**  
27 **based on the schematic provided. MOTION CARRIED 7-0-0**

28  
29 Director Micali informed the Council of a visit he received from Ms. Watson. Having seen this item on  
30 the Council's agenda, she requested the Council give consideration to handicap access from the parking  
31 lot to the pavilion and the pergola areas within the park. Chairman Yakuboff stated that discussion  
32 could be added to the agenda for the Retreat. Councilor Mahon suggested the Director of Parks and  
33 Recreation could be asked to provide the Council recommendations.

34  
35 **6. Join the Clique Enforcement Program Grant for the Merrimack Police Department**

36 *Submitted by Lieutenant Paul Trepaney*

37 The Town Council to consider the acceptance of a "Join the New Hampshire Clique" seatbelt  
38 enforcement program grant valued at \$2,808.00 available through the New Hampshire Highway  
39 Safety Agency for the Merrimack Police Department to operate overtime patrols during a  
40 concentrated blitz period of enforcement to promote increased seat belt usage, pursuant to Charter  
41 Article 8-15 and RSA 31:95-b

42  
43 Lt. Paul Trepaney stated the New Hampshire Highway Safety Agency offers annually a seatbelt  
44 enforcement blitz period where they seek partners to go out and promote seatbelt safety laws. It is a  
45 blitz period during May (12<sup>th</sup> through 26<sup>th</sup>) where they seek to have officers out there solely dedicated to  
46 enforcing the youth seatbelt laws. During that time 3-6 patrols will be strictly performing seatbelt  
47 enforcement patrols. The award pays the cost of overtime and payroll related deductions in the amount  
48 of \$2,808.00.

1 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept a “Join the**  
2 **New Hampshire Clique” seatbelt enforcement program grant valued at Two Thousand Eight**  
3 **Hundred Eight Dollars (\$2,808.00) available through the New Hampshire Highway Safety Agency**  
4 **for the Merrimack Police Department to operate overtime patrols during a concentrated blitz**  
5 **period of enforcement to promote increased seat belt usage, pursuant to Charter Article 8-15 and**  
6 **RSA 31:95-b, and furthermore that the Town Manager and/or her proxy be authorized to sign the**  
7 **necessary paperwork to perfect the grant application**

8  
9 **ON THE QUESTION**

10  
11 Councilor Koenig questioned the intent of the officers while on these concentrated patrols. Lt. Trepaney  
12 responded the patrols are stationary in areas frequented by youths with seatbelts. When asked if the  
13 intent is geared more towards education or enforcement, Lt. Trepaney stated it to be both an  
14 enforcement and educational tool. When asked if past history has been to lean towards one direction or  
15 another, Lt. Trepaney stated it to be discretionary on the part of the officer. Taken into account is the  
16 seriousness of the offense, etc.

17  
18 There is the option of having one officer on patrol for 6 hours or two officers for 3 hours. There will be  
19 6 patrol periods (36 hours of dedicated coverage during that time period).

20  
21 Councilor Boyd spoke of a previously approved grant for the distracted driving program, and questioned  
22 what the general impression is of these types of grant funds in terms of focusing on specific types of  
23 enforcement,. Lt. Trepaney responded there is a requirement to provide statistics generated by the  
24 patrols through the completion of tracking sheets provided by the agency. It has been received very  
25 positively. The grants provide the opportunity for officers to focus on specific problems without taking  
26 away from officers on the street.

27  
28 Councilor Rothhaus noted the Council has, in the past, received feedback regarding the success of  
29 previous endeavors of this type. He acknowledged the seriousness of children not being restrained and  
30 the need to enforce that; however, stated his preference for such exercises to be focused on education.  
31 Lt. Trepaney stated he has information relative to the outcome of the grant program conducted last year,  
32 and offered to provide a copy of the results.

33  
34 Councilor Koenig stated his agreement with the remarks made by Councilor Rothhaus. Understanding  
35 there is a requirement for enforcement, he would rather believe the grant funding and officer overtime is  
36 intended to be expended to better educate the public about the importance.

37  
38 Councilor Rothhaus noted the letter from the Highway Safety Agency states “This is primarily an  
39 enforcement issue not an educational issue.” Councilor Koenig stated his hope the department has some  
40 discretion. Councilor Rothhaus stated although it suggests you almost have to do the enforcement part it  
41 does seem to give a little latitude.

42 **MOTION CARRIED 6-1-0**

43 *Councilor Rothhaus voted in Opposition*

44  
45 Captain Mike Dudash commented when doing grants for seatbelts, the Highway Safety Agency provides  
46 the department with materials to hand out to children, e.g., pencils, pamphlets, etc. He remarked about  
47 98-99% of the time they find people are seat belted correctly.

48  
49 **7. Joint Bedford NH Police Department and School District Full Scale Active Shooter Exercise**

1 *Submitted by Captain Mike Dudash*

2 The Town Council to consider the Bedford Police Department's request for eight (8) Merrimack  
3 Police officers to participate in a full scale active shooter exercise on April 28, 2014. The officers  
4 will participate in all possible scenarios from tactical deployment to traffic control. This is a grant  
5 funded exercise which is authorized up to \$4,078 to cover overtime/backfill for the participation of  
6 the Merrimack officers requested, pursuant to Charter Article 8-15 and RSA 31:95-b.

7  
8 Captain Mike Dudash informed the Council the Bedford Police Department has been working very hard  
9 on an active shooter drill for the past year. For the past 6 months the Merrimack Police Department has  
10 been involved. He and Captain Albert attended a table exercise back in October, and were told at some  
11 time in April the actual live exercise would take place. The event is scheduled for April 28<sup>th</sup>. It is a  
12 very large exercise. He believes the grant to be between \$40,000 and \$50,000, and encompasses  
13 multiple agencies, e.g., police, DPW, fire departments, EMSs, and school districts.

14  
15 The exercise will be conducted during a school vacation day. Merrimack has been asked to provide 8  
16 policemen to respond. When asked, during the table exercise, the number of Merrimack policemen that  
17 would respond in an active shooter incident, he had stated he would likely send the entire town. Eight  
18 officers have been asked to participate in the training process for approximately 6.5 hours. The cost is  
19 being covered by Homeland Security and monitored by a consultant. They have funded up to \$4,078 to  
20 cover the Merrimack policemen for the overtime for this detail/training.

21  
22 When asked, he stated the grant funds are those of the Town of Bedford. When he presented the  
23 proposal to Director Micali he suggested it be brought before the Council given the nature of the event  
24 and the fact the funds are coming from Homeland Security.

25  
26 **MOTION made by Councilor Boyd and seconded by Councilor Harrington to accept the Bedford**  
27 **Police Department's request for eight (8) Merrimack Police Officers to participate in a full-scale**  
28 **active shooter exercise on April 28, 2014. The officers will participate in all possible scenarios**  
29 **from tactical deployment to traffic control. This is a grant funded exercise, which has authorized**  
30 **up to Four Thousand Seventy Eight Dollars (\$4,078) to cover overtime/backfill for the**  
31 **participation of the Merrimack officers requested pursuant to Charter Article 8-15 and RSA**  
32 **31:95-b, and furthermore that the Town Manager and/or her proxy be authorized to sign the**  
33 **necessary paperwork to accept the overtime monies**

34  
35 ON THE QUESTION

36  
37 When asked, Captain Dudash explained the intent would be that the event be a surprise. More than  
38 likely the officers would be stationed in Merrimack and respond from the Police Department. Those  
39 officers participating in the event would be in addition to those working the shift. The only officers that  
40 would be present who are scheduled to work that day would be him, Captain Albert, and perhaps the  
41 Chief.

42  
43 Vice Chairman Harrington spoke of the need to ensure monies reimbursed for overtime are reflected  
44 properly within the budget. Director Micali stated the officers will be compensated through the grant  
45 from the Highway Safety Agency, through the Town of Bedford. Therefore, the officers' time will not  
46 be accounted for in the overtime line item. The accounting will be under the grant accounting and  
47 treated separated. It will not be reflected under overtime.

48 **MOTION CARRIED 7-0-0**

1 **8. Town Council Summer Schedule**

2 *Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair David G. Yakuboff, Sr.*  
3 The Town Council will discuss a revised summer meeting schedule.

4  
5 Director Micali remarked during the months of July and August the Council typically conducts a single  
6 meeting on the third Thursday of the month. The average number of agenda items in the month of June  
7 is 12. He suggested the Council could choose to have a single meeting in the month of June. If so  
8 choosing, his recommendation would be for the third Thursday.

9  
10 Chairman Yakuboff stated his personal opinion, providing it is understood a single meeting could  
11 become lengthy should items arise requiring action by the Council, he would prefer a single meeting in  
12 each of the months of June, July, and August. Vice Chairman Harrington stated agreement. She  
13 suggested if the June meeting were scheduled for the second Thursday, the opportunity would exist to  
14 schedule an additional meeting for the fourth Thursday should the need arise.

15  
16 Councilor Rothhaus noted he would not be in Town on July 17, 2014. Councilor Koenig remarked he  
17 was anticipating two meetings in June and cutting back to a single meeting in the months of July and  
18 August. It was noted, should it become known there is no need for a second meeting in any given  
19 month, the opportunity always exists to adjust the meeting schedule.

20  
21 *The consensus of the Council was to schedule meetings for June 12<sup>th</sup>, June 26<sup>th</sup>, July 24<sup>th</sup>, and*  
22 *August 21<sup>st</sup>.*

23  
24 **9. Town Council Retreat / Goal Session**

25 *Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair David G. Yakuboff, Sr.*  
26 Town Council to decide when their Retreat / Goal Session will be held.

27  
28 Councilor Dwyer spoke of the experience of the membership, the level of familiarity with the process,  
29 and the ability to look to the goals met and unmet from the prior year to increase productivity and lessen  
30 the amount of time needed to complete the task at hand.

31  
32 *The consensus of the Council was to schedule the Retreat/Goal Session for Friday, May 16, 2014 at*  
33 *the Upstairs Sitting Room at Swan Chocolates located at 436 Daniel Webster Highway in Merrimack.*

34  
35 Chairman Yakuboff requested Councilors forward information on items they would like to appear on the  
36 agenda for the Retreat/Goal Session no later than Thursday, April 24, 2014.

37  
38 **10. Town Council Committee Assignments**

39 *Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair David G. Yakuboff, Sr.*  
40 The Town Council will determine committee assignments for the current year.

41  
42 *Committee Assignments will remain unchanged from the prior term.*

43  
44 **Minutes**

45  
46 Approve the minutes from the March 27, 2014 Town Council meeting.

47  
48 *The following amendments were offered:*

1 Page 2, Line 16; replace the word “bolder” with the word “boulder”  
2 Page 2, Line 47; replace the name “Peppin” with “Pepin”  
3 Page 3, Line 5; delete the “,” after the word “Chief”  
4 Page 4, Line 32; replace the name “Leroux” with the name “L’Heureux”  
5

6 **MOTION made by Councilor Mahon and seconded by Councilor Rothhaus to approve the**  
7 **minutes of the Town Council meeting of March 27, 2014 as amended. MOTION CARRIED 7-0-0**  
8

9 **Comments from the Press** - None

10  
11 **Comments from the Public** – None

12  
13 **Comments from the Council**

14  
15 Councilor Boyd recognized Officer Michael Murray, recipient of the Police Lifetime Achievement  
16 Award by the New Hampshire Police, Fire & EMS Foundation. He thanked Officer Murray for his  
17 work in the community and congratulated him on the award.  
18

19 Councilor Boyd spoke of the Boston Marathon and congratulated members of the Merrimack  
20 community that will be participating in the 118th running. He extended his hope everyone has a safe  
21 and fun run and takes the opportunity to recognize what occurred a year ago by keeping in their thoughts  
22 those who perished and those who were injured in that horrible tragedy. He is hopeful the event returns  
23 to being the pageantry that is the Boston Marathon.  
24

25 He wished his colleagues and residents of Merrimack a very Happy Easter. To the members of the  
26 Jewish community he wished a Zissen Pesach, which is Hebrew for sweet Passover.  
27

28 Councilor Dwyer thanked all of those who participated in the elections, in particular the nearly 1,000  
29 voters who supported the highway garage. He remarked it is extremely difficulty to gain 2/3 majority on  
30 any given subject matter. He suggested it will likely be the #1 topic to discuss at the Retreat. He stated  
31 his belief he could speak for everyone when saying improvements will be made there one way or the  
32 other. It may not involve bonding funds and getting a new garage, but there are other things that need to  
33 be done, which he believes can be addressed.  
34

35 Chairman Yakuboff thanked the Council for supporting him in the position of Chairman. He expressed  
36 his gratitude to Councilor Rothhaus for his council as well as Councilor Mahon.  
37

38 Chairman Yakuboff informed his colleagues and the viewing audience he is the proud Grandfather of a  
39 baby boy; Jackson Arthur Hatfield.  
40

41 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to adjourn the meeting.**  
42 **MOTION CARRIED 7-0-0**

43  
44 *The April 17, 2014 meeting of the Town Council was adjourned at 10:03 p.m.*  
45

46  
47 Submitted by Dawn MacMillan